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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

OWEN W. BARNABY,)
Plaintiff)
)

Vs. CIVIL COMPLAINT Pursuant/42 U.S.A. §1331;
42 U.S.A. §~~1983~~; 42 U.S.A. §1332, Fourth, Fifth &
Fourteenth Amendments; Wrongful Foreclosure;
Intentionally Wrongful Foreclosure; and Forgery

MICHIGAN STATE GOVERNMENT) Case No.
HON. GRETCHEN WHITMER GOVERNOR OF MICHIGAN)
HON. JENNIFER GRANHOULM GOVERNOR OF MICHIGAN)
HON. RICK SNYDER GOVERNOR OF MICHIGAN)

NILES CHARTER TOWNSHIP,
NILES CHARTER TOWNSHIP OFFICIALS
BERRIEN COUNTY GOVERNMENT,
BERRIEN COUNTY BOARD OF COMMISSIONERS)
BRET WITSKOWSKI TREASURER OF, BERRIEN COUNTY)
SHELLY WEICH TREASURER OF, BERRIEN COUNTY)
TITLE COMPANY(s))
INSURANCE COMPANY(s),)
Defendants

Case: 2:22-cv-12387
Judge: Leitman, Matthew F.
MJ: Ivy, Curtis
Filed: 10-07-2022 At 09:49 AM
PRIS OWEN BARNABY V MICHIGAN STATE GOVT ET AL (SS)

Owen W. Barnaby
P.O. Box 1926
Kennesaw, GA 30156
(678) 382- 4183
Bossproperties96@gmail.com

Defendants
Address of Defendants
Berrien County Government
701 Main Street,
St. Joseph, Michigan 49085
(269) 983-7111

Niles-Charter-Township
320-Bell-Road Niles,Michigan-49120
Phone: (269) 684-0870

Governor Gretchen Whitmer
P.O. Box 30013
Lansing, Michigan 48909
517-335-7858

I. PARTIES

1. Plaintiff, Owen W. Barnaby (“Plaintiff” or “Mr. Barnaby” or “Barnaby”), is herein a citizen of the United States, a resident of Cobb County, the state of Georgia.

2. The Defendant, State of Michigan, is a state corporation organized under the laws of the State of Michigan. Its Governors are its Chief executive officers and responsible for State’s procedures and practices implemented through its various agencies, agents, departments and employees and Niles Charter Township Government and Berrien County Government.

3. Defendants, The Hon. Jennifer Granholm Governor, The Hon. Rick Snyder Governor, The Hon. Gretchen formers, and current governors of the State of Michigan.

4. Defendant, Berrien County Government, is a corporation organized under the laws of the State of Michigan a county in the State of Michigan Government, in which Niles Charter Township Government; Bret Witkowski, Former Treasurer of Berrien County Government Commissioner of Berrien County , Shelly Weich, Treasurer of Berrien County Government.

5. Defendants Board of Commissioner, of Berrien County Government

6. Defendants, Bret Witkowski, Former Treasurer of Berrien County Government

7. Defendants, Shelly Weich Treasurer of Berrien County Government

8. Defendant, Niles Charter Township Government, is a municipal corporation organized under the laws of the State of Michigan, within the Berrien County Government.

9. Defendant, Niles Charter Township Government Officials, employee of Niles Charter Township Government.

10. Defendants Title Company(s); and Insurance Company(s), for Defendants: are yet to be Named,
Niles Charter Township Government, Berrien County Government, State of Michigan Government,.

II. JURISDICTION AND VENUE

11. This is an action to redress the deprivation of rights secured to the plaintiff by the Constitution and laws of the United States and the State of Michigan.

12. Jurisdiction of this court is invoked under the provisions of Sections 1331, 1343(3) and 1367(a) of Title 28 and Sections 1983 and 1988 of Title 42 of the United States Code and the Fourth, Fifth and Fourteenth Amendments.

13. Venue is proper in this court by virtue of 28 U.S.C. §1391 because the events giving rise to the claims occurred in the District of Michigan and at least one of the defendants resides and are government corporation in the State of Michigan.

14. The plaintiff is a citizen and adult resident in the Cobb County of the State of Georgia.

15. During all times mentioned in this Complaint, the defendants were acting under color of law, that is, under color of the constitution, statutes, laws, rules, regulations, customs, and usages of the State of Michigan in the course of their employment or as a government corporation in the State of Michigan or Governor.

16. At some times or at all times mentioned in this Complaint, the defendants acted jointly and in concert with each other or should report their unlawful actions to the other defendants. As such each defendant had the duty and or their duty afford them the opportunity to protect the plaintiff from the unlawful actions and or to remedy the unlawful actions of the other defendants, but each defendant failed and refused to perform such duty, thereby proximately causing the injuries herein complained of.

III. Statement of Claim

17. This action is brought by the Plaintiff, Owen W. Barnaby, for legal and equitable relief in connection with his real properties which he owned; and upon information, knowledge, and belief lost by Defendants: Niles Charter Township Government; Niles Charter Township Government Officials; Berrien County Government; Board of Commissioner, of Berrien County Government; Bret Witkowski, Treasurer of Berrien County Government; Shelly Weich, Treasurer of Berrien County Government; The Hon. Jennifer Granholm Governor, The Hon. Rick Snyder Governor, The Hon. Gretchen Whitmer Governor all of the State Michigan; State of Michigan Government; Title Company(s); and Insurance Company(s), wrongful foreclosure, intentionally wrongful foreclosure and or foreclosure by forgery. These real properties which the Plaintiff owned out right in part or whole are in the 'County of Berrien, Niles Charter Township and City of Benton Harbor. The parcel which they stole, and defrauded Plaintiff of in Niles Charter Township is parcel# 11-14-0112-0011-17-4/ 2116 S. 15th St.

And, Plaintiff's other real properties in the 'City of Benton Harbor' are: parcel # 51-5000-0006-00-4 aka 931 Colfax, parcel # 51-5000-0007-00-1 aka, 941 Colfax, parcel # 11-51-0801-0075-00-8 ask 189 Apple Ave, parcel # 11-52-7500-0002-00-6 aka 272 Pipestone St.; parcel # 11-52-7500-0003-00-2 ask 272 Pipestone St.; parcel # 11-52-0019-0071-02-5 aka 272 Pipestone Street, 235-239 Pipestone Street. See (Mi. Comp. Laws Ann. § 750-248; § 750-249.) and 940. 18 U.S.C. Section 1341; Schmuck v. United States, 489 U.S. 705, 721 n. 10 (1989); see also Pereira v. United States, 347 U.S. 1, 8 (1954); Laura A. Eilers & Harvey B. Silikovitz, Mail and Wire Fraud, 31 Am. Crim. L. Rev. 703, 704 (1994)

IV. Relief

WHEREFORE, the Plaintiff claims Relief as follows:

1. Relief for all his properties, from the prospective of his vision to buy, to rehab and to sell all the properties at the peak of the Harbor shore Development.
2. Restitution of all rent loss, plus interest.
3. Actual, consequential, and incidental damages.
4. Treble damages for theft, pursuant to Federal Law
5. Costs and attorneys' fees if Plaintiff must hire an attorney.
6. Such other, further, or additional relief as in law or equity may appertain.
7. Emotional distress/ pain and sufferings

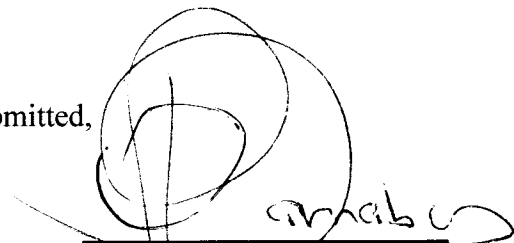
V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Respectfully Submitted,

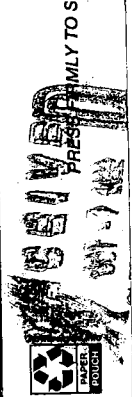


Owen W. Barnaby, In Pro Se.

Dated: October 05, 2022,

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